

JTIP Handout: Lesson 11 – Interactions with Probation Officers, Prosecutors, Judges and Parents

FORENSIC EXERCISE

The following exercise is based on the presumption that the defender has already conducted a thorough investigation, assessed the strengths and weaknesses of the case and has from there determined that some alternative to formal court processing (possibly an informal adjustment or a diversion program) is a promising avenue to pursue.

PART 1: IDENTIFYING AND UNDERSTANDING THE CLIENT'S POSITION

Your client, Ronald Gibson, has been charged with one count of Felony Theft for stealing more than \$3,000 from a safe in the attic of his mother's home. Ronald is a 15-year-old student in the ninth grade at East High School. He is a special education student and has experimented with drugs in the past. He identifies with the lesbian, gay, bisexual, transgender and questioning (LGBTQ) community, but is still uncertain about whether he is gay or bisexual. Ronald is a black male with permed hair and dresses very effeminately. Because of his poor performance in school and his habit of staying out late at night, Ronald's relationship with his single mother, who works long hours, has been rapidly deteriorating.

Ronald has no previous contact with the juvenile court, and you have learned from his special education teacher that Ronald talks about his mother a lot and clearly loves her, but believes that she does not understand him. He tells you that he cuts school because the work is hard for him and he is embarrassed. Ronald has positive social factors, including his frequent attendance at a local LGBTQ-friendly church and recreation center and his involvement with modeling, fashion and design.

Ronald has stayed with various other relatives (aunts, a grandmother, a family friend) in the past, but none of these placements has lasted beyond two months. Ronald's father has never been a stable influence in his life.

During your conversations, Ronald has expressed differing attitudes about his mom and the theft. He is generally remorseful about taking the money; at one point he even broke down and cried. At another point, he became angry with his mother, telling you that he thinks she is exaggerating the amount missing so she can get money from someone else. In all discussions, he just cannot believe that he spent \$3000 and thinks a more likely figure is \$300. He said that he found the money one day when his mother told him to go to the attic to get a box. Ever since then, he has taken a few dollars here and there. He spent the money on clothes, a flattening iron and gifts for his friends.

Ronald loves his mother and does not want to be excluded from the family or go to detention. After extended conversations, he acknowledges that he has been disrespectful and disobedient a lot lately, and he knows that his mother is fed up and probably "needs

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a break” from him. He also knows that he has to turn his behavior around to “win his mother back.” He initially tells you that he just wants to stay home and turn things around himself. He does not want tutoring, family or individual counseling, and he does not want to leave his mother’s home – not even to create a short respite for his mother.

You have already spoken briefly to Ronald’s mother (before the substantive negotiations), and she is livid about the amount of money taken. She thinks that putting him in the system will straighten him out, and she is tired of dealing with him. In addition, you have spoken to the DYS Counselor, and she has made it clear that if Ronald’s mother thinks Ronald should be in detention, then as part of her recommendation, she will advocate for it zealously.

Ronald has given you permission to talk to his mother and the State about resolving the case informally. You are scheduled to meet with his mother. Before you do, answer the following questions:

- A. What is Ronald’s position?
- B. What are Ronald’s likely real and immediate interests?
- C. What do you think may be driving Ronald’s position right now?
- D. How can Ronald help you figure out what his mother might want?
- E. What information, insight and advice do you want to offer Ronald as you undertake the negotiation process?